IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 16838 of 2004(D)

PETITIONER:

KEERTHY FUEL, N.H.47, MANNUTHY,
THRISSUR 680 651, REPRESENTED BY ITS MANAGING
PARTNER TNS BABU.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SRI.SUNIL SHANKER

RESPONDENTS:

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1. ADDITIONAL DISTRICT MAGISTRATE,THRISSUR.

2. CHIEF ENGINEER, MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS, PARLIAMENT STREET,
TRANSPORT BHAVAN, NEW DELHI-48.

3. THE PROJECT DIRECTOR CUM GENERAL
MANAGER, NATIONAL HIGHWAY AUTHORITY OF INDIA NO.1,
KRISHNASWAMY MUTHALIYAR ROAD, CHINTHAMANI
SUPERMARKET BUILDING, 2ND FLOOR R.S.PURAM,
COIMBATORE-2.

4. SUPERINTENDING ENGINEER, N.H.CENTRAL
CIRCLE, VYTILLA, ERNAKULAM.

5. EXECUTIVE ENGINEER, NATIONAL HIGHWAY
N.H.DIVISION, KODUNGALLUR.

6. RELIANCE PETROLEUM LTD.,
AMP ARCADE, SAHODARAN AYAPPAN ROAD,
ERNAKULAM.

7. M.A.YOUSUF ALI, MULLIYAR VEETTIL,
NATTIKA, TRIPRAYAR, THRISSUR.

**8. M.A.ASHRAF ALI, MULLIYAR VEETIL
NATTIKA, TRIPRAYAR, THRISSUR.**

**BY ADV. SRI.M.L.SURESH KUMAR, ADDL.CGSC
SRI.P.GOPINATH MENON --- R6
GOVERNMENT PLEADER SRI. MANOJKUMAR**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 16838/2004 D

APPENDIX

PETITIONER'S EXHIBITS,

EXT.P1. COPY OF THE ROUGH SKETCH SHOWING THE LIE OF THE SITE.

EXT.P2. COPY OF THE CIRCULAR NO. RW/NH-33023/19/99-DO-III DTD. 31/08/00.

EXT.P2A. COPY OF THE EXRACT OF THE NORMS ISSUED BY THE GOVT. DT. 17/10/2003.

EXT.P3. COPY OF THE REPRESENTATION BY THE PETITIONER BEFORE THE R1 DT. 24/5/2004.

EXT.P4. COPY OF THE REPRESENTATION BY THE PETITIONER BEFORE THE R1 DT. 24/5/2004.

RESPONDENT'S EXHIBITS NIL.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.16838 of 2004

Dated 4th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue an appropriate writ or order in the nature of mandamus directing the respondents 1 to 5 not to issue licence/No Objection Certificate to the respondents 6 to 8 for establishing a petrol bunk without ensuring compliance of the norms laid down in Ext.P2 circular issued by the Department of Road Transport and Highways, Ministry of Surface Transport, Government of India."

Learned Government Pleader submits that the enquiry reveals that the place is not suitable for setting up a petrol bunk. Accordingly, the writ petition is disposed of making it clear that in case any action is to be taken in the matter, the petitioner will also be afforded for an opportunity for hearing.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 4th July, 2007.